

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, *
*
PLAINTIFF, *
*
V. * CASE NO. 2:05CR204-T
*
BILLY MERCER, JR., *
*
DEFENDANT. *

**DEFENDANT BILLY MERCER, JR.'S REQUESTED
VOIR DIRE QUESTIONS**

Comes Defendant in the above-styled cause, and respectfully requests this Honorable Court to qualify the jury as follows:

1. Defendant requests that the Assistant United States Attorney inform the venire the names of all employees in their office. Do any of you know the United States Attorney or any member of her staff? If so, please stand and state your name and the person's name on the United States Attorney's staff that you know.
2. Defendant Billy Mercer, Jr. is charged with knowingly and intentionally possessing with intent to distribute methamphetamine, and with the use or carrying of a firearm during a drug trafficking crime. This was alleged to have taken place on or about October 2004 in Prattville, Autauga County, Alabama.
 - a. Do any of you know defendant or have you ever heard his name before?
 - b. Have any of you heard about this allegation or do you know anything about it.

3. Please have the Government read a list of the Government's witnesses. Please raise your hand if you know any of these people. If you recognize their names, please tell me if you know them. (Read list of prosecution witnesses).

(a) Would your knowledge of Government witnesses tend to influence you to believe that the person you know is more likely to tell the truth than someone you do not know? Please identify.

4. There may be testimony from law enforcement officers in this case. Is there anyone here who would give more weight to the testimony of a law enforcement officer than you would give to a non-law enforcement officer witness.

5. The Government has the burden of proof and the defendant is not required to meet any burden. Do any of you have any problems accepting the legal presumption that a defendant is presumed to be innocent until proven guilty or that the Government must prove the defendant guilty beyond a reasonable doubt?

6. A defendant is not required to prove his innocence and is not required to testify in any criminal case. Is there anyone who would believe the defendant is guilty merely because he did not testify? Identify.

7. Do any of you have a fixed opinion about this case or any case where someone is accused of a crime? If so, please stand and state your name.

8. If any member of the venire believes a defendant is guilty merely because he is charged with a crime, please stand and state your name.

9. Do any of you have any difficulty hearing, seeing, or reading?

10. Have you or any member of your family or close personal friends ever worked in any prosecuting or district attorney's office? If so, please stand and identify.

11. Have you or a member of your family ever worked in any attorney's office?

Identify.

12. Have you or any member of your family or close personal friends worked in law enforcement? Identify.

13. Will any of you feel an obligation to reach a verdict because that was the vote of the majority? If so, please stand and identify.

(a) Would your knowledge of Government witnesses tend to influence you to believe that the person you know is more likely to tell the truth than someone you do not know? Please identify.

14. Do any of you know any other person on the jury venire today?

(a) What is your relationship to that person?

(b) Would you be influenced by the way that juror reacted to the evidence if both of you are selected to sit on this jury?

15. Do any of you have any reason, personal to yourself, that causes you to prefer not to sit on this case? If so, please identify.

16. Is there anyone who feels that he or she cannot render a fair and impartial verdict in this case? If so, please identify.

17. Do any of you have a fixed opinion about anyone charged with a crime involving drugs or feel that you cannot render a fair and impartial decision in a case where someone is accused of a crime involving drugs?

18. (1) Have any of you or any member of your family or any of your close friends had any unpleasant experience with drugs; or (2) Do any of you have any feelings toward

anyone charged with a drug crime that would make you feel anger or prejudiced toward one accused of a drug crime. **If so please come forward privately for your answer.**

Respectfully submitted this 5th day of February, 2006.

s/Jeffery C. Duffey
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CERTIFICATE OF SERVICE

I hereby certify that on February 5 , 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Terry Moorer, AUSA, P.O. Box 197, Montgomery, AL 36101.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for Billy Mercer, Jr.